IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24540 of 2003

DATED: 26.12.2006

Between:
K.Jameer Basha petitioner

And

APSRTC
Rep by its Managing Director
Musheerabad, Hyderabad & another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 24540 OF 2006

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not considering the case of the petitioner for appointment in terms of circular dated 30.7.2003.

The facts in brief are as under.

The father of the petitioner while working with the respondent corporation as Assistant Depot clerk died on 9.9.2000. The mother of the petitioner, submitted an application dated 4.7.2001 seeking employment to his younger son and the same was rejected by proceedings dated 10.12.2002 on the ground that he is under-aged and not qualified for any post. Thereafter, petitioner submitted an application dated 13.12.2002 for appointment to any suitable post on compassionate grounds. Questioning the action of the respondents in not considering his case and considering the cases of other similarly situate persons, petitioner filed W.P. No. 8372 of 2003. The said writ petition was dismissed by order dated 12.9.2003. The petitioner claims that in terms of circular dated 30.7.2003 he is entitled to appointment on compassionate grounds and in view of the dismissal of the earlier writ petition, his case is not being considered. That the petitioner submitted a representation dated 12.10.2003 and till date no action is taken. Hence, the writ petition.

A counter affidavit is filed on behalf of the respondents denying

the averments made in the writ petition and stating that in terms of the application of the petitioner dated 19.7.2003, his name was registered in the list of Bread Winner Scheme as on 18.8.2003. It is further stated that there are excess conductors in Kurnool region and about 16 candidates who were selected and trained to the post of Conductor under Bread Winner Scheme are awaiting appointment orders. It is also stated that petitioner cannot compare his case with the candidates appointed in another region and the case of the petitioner would be considered as per his turn against a clear vacancy.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation.

Admittedly, the father of the petitioner worked in Kurnool region and petitioner submitted his application for appointment on compassionate grounds in Kurnool region, as such he cannot compare his case with the candidates of other regions. The main object of providing compassionate appointment to the family member of a deceased is to enable the family of the deceased to tide over the sudden crises that befalls on thedeath of the sole bread winner and grant of compassionate employment is not a matter of right as held by Apex Court in **Shri Umesh Kumar Nagpal Vs. State of Haryana** and others[1]. In the present case, due to non availability of vacancies and excess conductors in the region, the name of the petitioner was registered in the list of bread winner scheme on 18.8.2003 and the same would be considered as per his turn in seniority. Since already a list of eligible candidates entitled for appointment on compassionate grounds is being maintained by the respondents and name of the petitioner was already registered,

no direction can be given to the respondents to appoint the petitioner, leaving aside the candidates who are seniors to the petitioner in the

list of beneficiaries. Thus the contention of the petitioner that in view of the dismissal of the earlier writ petition, his case is not being considered, cannot be accepted.

For the foregoing reasons, I see no reason to interfere with the matter. Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 26.12.2006
TVK

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[1] 1994 (4) SCC 138